UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,423	07/13/2001	Patrick H. Hayes	81230.62US2	4720

34018   7590   10/18/2005

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EXAMINER
SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
2677	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/905,423	HAYES ET AL.
	Examiner	Art Unit
	Leonid Shapiro	2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 August 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-10 and 13-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-10 and 13-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 7-8,10,13-14, 16-17, 23, 25, 27 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Allport (US Patent No. 6,104,334) in view of Takechi et al. (JP

09-280557) and O'Toole et al. (US Patent No. 6,757,723 B1).

As to claim 7, Allport teaches a method of displaying information to a consumer

relevant to the operation of consumer appliance (See Col. 6, Lines 23-34), comprising:

entering into a hand-held device data that functions to identify the

consumer appliance (See Figs. 14-15, items 10, 65, 420, from Col. 21, Line 59 to Col.

22, Lines 1027),

using the data at the Web server to retrieve an electronic document (IR

command library) for the purpose of operating the consumer appliance (load, test,

unload) (See Fig. 15, items 10, 65, 420, Col. 22, Lines 25-65 and Col. 8, Lines 60-63),

transmitting the electronic document from Web server to a hand-held

device whereby a representation of the electronic document is displayable on the hand-

held device (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, Col. 11,

Lines 17-21).

Allport does not show an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating (maintaining and repairing) the consumer appliance (See Drawing 1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 2, paragraph 0007-0008).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine human-readable information into Allport system in view of teaching of Takechi et al. in order enable a repairman to execute repair even when a manual is not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server, using the data that functions to identify the consumer appliance.

O'Toole et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server, using the data that functions to identify the consumer appliance (See Fig. 6, items 214, 216, 226, from Col. 15, Line 63 to Col. 16, Line 39 and Col. 17, Lines 9-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in

view of teaching of O'Toole et al. in order to obtaining configuration information from

source located far away (See Col. 3, Lines 8-15 in the O'Toole et al. reference).

As to claim 13, Allport teaches in hand-held device having a display (See Figs.

14-15, item 10), a readable media having instructions for displaying information relevant

to the operation of consumer appliance (See Figs. 14-15items 405, 420), the

instructions performing steps comprising:

storing data that functions to identify the consumer appliance (See Fig.

15, items 10, 65, 420, Col. 22, Lines 10-33);

receiving the electronic document from a Web server (See Fig. 15, items

10, 65, 420, Col. 22, Lines 10-33);

causing the data to a Web server which uses the data to retrieve an

electronic document (IR command library) for instructing a consumer how to interact

with the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, Col.

22, Lines 25-65 and Col. 8, Lines 60-63),

displaying a representation of the electronic document in the display

(See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, in Description See Col.

11, Lines 17-21).

Allport does not show an electronic document comprising human-readable

information how to interact with one or more controls of the consumer appliance for the

purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable

information how to interact with one or more controls of the consumer appliance for the

purpose of operating (maintaining and repairing) the consumer appliance (See Drawing

1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 4,

paragraph 0036).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine human-readable information into Allport system in view of teaching

of Takechi et al. in order enable a repairman to execute repair even when a manual is

not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to

identify the consumer appliance from the hand-held device to a Web server, using the

data that functions to identify the consumer appliance.

O'Toole et al. teaches uploading the data that functions to identify the consumer

appliance from device to a Web server, using the data that functions to identify the

consumer appliance (See Fig. 6, items 214, 216, 226, from Col. 15, Line 63 to Col. 16,

Line 39 and Col. 17, Lines 9-32).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine uploading and identifying in Takechi et al. and Allport system in

view of teaching of O'Toole et al. in order to obtaining configuration information from

source located far away (See Col. 3, Lines 8-15 in the O'Toole et al. reference).

As to claim 17, Allport teaches a system, comprising:

a hand-held device having a display and memory in which is stored data

that function identify a make of a consumer appliance (See Fig. 15, items 10, 65, Col.

22, Lines 10-33),

Web site on which an electronic document (IR command library) for

instructing a consumer how to interact with the consumer appliance (load, test, unload)

(See Fig. 15, items 10, 65, 420, Col. 22, Lines 25-65 and Col. 8, Lines 60-63),

wherein the hand-held device is adapted to communicate the data to the

Web site to retrieve the electronic document whereby a representation of the electronic

document may be displayed in the display (See from Col. 5, Line 54 to Col. 6, Line 13

and Fig. 2, item 100, Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable

information how to interact with one or more controls of the consumer appliance for the

purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable

information how to interact with one or more controls of the consumer appliance for the

purpose of operating (maintaining and repairing) the consumer appliance (See Drawing

1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 4,

paragraph 0036).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine human-readable information into Allport system in view of teaching

of Takechi et al. in order enable a repairman to execute repair even when a manual is

not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to

identify the consumer appliance from the hand-held device to a Web server, using the

data that functions to identify the consumer appliance and download the electronic document to the hand-held device.

O'Toole et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server, using the data that functions to identify the consumer appliance (See Fig. 6, items 214, 216, 226, from Col. 15, Line 63 to Col. 16, Line 39 and Col. 17, Lines 9-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in view of teaching of O'Toole et al. in order to obtaining configuration information from source located far away (See Col. 3, Lines 8-15 in the O'Toole et al. reference).

As to claim 23, Allport teaches a hand-held device, comprising:

a display and memory in which is stored data that function identify a make of a consumer appliance (See Fig. 15, items 10, 65, in description See Col. 22, Lines 10-33),

a browser application comprising instructions for retrieving via a network connection an electronic document (IR command library) in a form for instructing a consumer how to interact with the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, in description See Col. 22, Lines 25-65 and Col. 8, Lines 60-63) that is identified by the data in the memory and for displaying a representation of the retrieved document in the display (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, in Description See Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable

information how to interact with one or more controls of the consumer appliance for the

purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable

information how to interact with one or more controls of the consumer appliance for the

purpose of operating (maintaining and repairing) the consumer appliance (See Drawing

1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 4,

paragraph 0036).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine human-readable information into Allport system in view of teaching

of Takechi et al. in order enable a repairman to execute repair even when a manual is

not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to

identify the consumer appliance from the hand-held device to a Web server, using the

data that functions to identify the consumer appliance and to retrieve the electronic

document.

O'Toole et al. teaches uploading the data that functions to identify the consumer

appliance from device to a Web server, using the data that functions to identify the

consumer appliance (See Fig. 6, items 214, 216, 226, from Col. 15, Line 63 to Col. 16,

Line 39 and Col. 17, Lines 9-32).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine uploading and identifying in Takechi et al. and Allport system in

view of teaching of O'Toole et al. in order to obtaining configuration information from source located far away (See Col. 3, Lines 8-15 in the O'Toole et al. reference).

As to claims 8, 14, Allport teaches a browser application for retrieving and displaying the representation of the electronic document (See Col. 24, Lines 51-65).

As to claims 10, 16, 27, Allport teaches a remote control having a memory in which are stored a library of command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the data that function to identify of the consumer appliance is used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance (See Fig. 15, items 10, 65, 420, in description See Col. 22, Lines 25-65 and Col. 8, Lines 60-63).

As to claim 25, Allport teaches the network comprises the Internet (See Col. 5, Lines 54-59).

2.   Claims 9, 15, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole et al., Allport and Takechi et al. as aforementioned in claims 7, 13, 23 in view of Ketcham (US Patent No. 6,195,589 B1).

O'Toole et al., Allport and Takechi et al. do not show a bar code reader as part of the hand-held device for use in entering the data that function to identify the consumer appliance.

Ketcham teaches a bar code reader as part of the hand-held device for use in entering the information representative of the consumer appliance (See Fig. 3, item 54, in description See Col. From Col. 3. Line 60 to Col. 5, Line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a bar code reader in O'Toole et al., Allport and Takechi et al. method in view of teaching of Ketcham because appliances could be remotely controlled.

3.   Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole et al., Allport and Takechi et al. as aforementioned in claim 17 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

O'Toole et al., Allport and Takechi et al. do not show the appliance, as a kitchen appliance and the human-readable information comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the human-readable information comprise a recipe Kolawa et al. in O'Toole et al., Allport and Takechi et al. apparatus in view of Kolawa et al. teaching because appliances could be remotely controlled.

4.   Claims 19-22, 24 rejected under 35 U.S.C. 103(a) as being unpatentable over

O'Toole et al., Allport and Takechi et al. as aforementioned in claims 17 and 23 in view

of Amro et al.

        O'Toole et al., Allport and Takechi et al. do not show the human-readable

information comprises multiple linked pages and browser which adapted user manual.

        Amro et al. teach hand-held device (a remote control) comprises PDA (See

Fig. 5, item 110, in description See Col. 5, Lines 21-24).

        It would have been obvious to one of ordinary skill in the art at the time of the

invention that PDA will be able to use the human-readable information with multiple

linked pages and browser which adapted user manual in the O'Toole et al., Allport and

Takechi et al. apparatus and method in view of teaching of Amro et al. because

appliances could be remotely controlled.

Response to Amendment

5.   Applicant's arguments filed on 08.02.05 with respect to claims 7-10, 13-27

have been fully considered and are persuasive but are moot in view of the new

ground(s) of rejection.

Telephone inquire

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Leonid Shapiro whose telephone number is 571-272-

7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

AMR A. AWAD
PRIMARY EXAMINER

LS
10.04.05